

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

**SHIRLEY PENROD,**

**Plaintiff,**

**-v-**

**JAMES WANSACK, et al.,**

**Defendants.**

**Case No. 3:11-cv-004**

**District Judge Thomas M. Rose  
Magistrate Judge Michael R. Merz**

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**ENTRY AND ORDER OVERRULING PLAINTIFF'S OBJECTIONS (Doc. #4) TO THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS, ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATIONS (Doc. #14) IN ITS ENTIRETY; GRANTING PESYSTEM, INC.'S MOTION TO DISMISS AND DISMISSING PLAINTIFF'S COMPLAINT AGAINST PESYSTEMS, INC. WITH PREJUDICE**

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This matter comes before the Court pursuant to Magistrate Judge Michael R. Merz's Report and Recommendations regarding Defendant PESystems, Inc.'s ("PESystems's") Motion to Dismiss or in the Alternative for Summary Judgment of Defendant PESystems, Inc. (Doc. No 10). The Magistrate Judge recommends that PESystems's motion be granted. (Doc. No. 14).

As required by 28 U.S.C. §636(b) and Federal Rules of Civil Procedure Rule 72(b), the District Judge has made a de novo review of the record in this case. Upon said review, the Court finds that the Magistrate Judge's Report and Recommendations is adopted in its entirety. The Magistrate Judge properly found that PESystems was not Plaintiff's employer and thus could not be liable under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000 et seq. PESystems's Motion to Dismiss is GRANTED and the claims against PESystems are DISMISSED with prejudice.

**DONE** and **ORDERED** in Dayton, Ohio, this Thirty-First Day of May, 2011.

**s/Thomas M. Rose**

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THOMAS M. ROSE  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record